

UNITED STATES OF AMERICA
UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DERRICK CABBIL-BEY,

Plaintiff,

Case No. 1:09-cv-723

v.

Honorable Paul L. Maloney

MICHIGAN DEPARTMENT
OF CORRECTIONS et al.

Defendants.

JUDGMENT

This is a civil rights action brought by a state prisoner pursuant to 42 U.S.C. § 1983. This matter is before the Court on Plaintiff's motion to dismiss the complaint without prejudice. Given that the complaint has not been served and no answer has been filed, Plaintiff may voluntarily dismiss his action without prejudice. *See* FED. R. CIV. P. 41(a). Accordingly,

IT IS ORDERED that Plaintiff's motion to dismiss (docket #12) is **GRANTED**, and the action is **DISMISSED WITHOUT PREJUDICE**.

Dated: February 10, 2010

/s/ Paul L. Maloney
Paul L. Maloney
Chief United States District Judge